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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/695,623	10/24/2000	Hiroyuki Honma	9792909-4845	2772
7590	12/21/2004		EXAMINER	
SONNENSCHEIN NATH & ROSENTHAL PO BOX 061080 WACKER DRIVE STATION - SEARS TOWER CHICAGO, IL 60606			HOFFMAN, BRANDON S	
			ART UNIT	PAPER NUMBER
			2136	

DATE MAILED: 12/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/695,623	HONMA, HIROYUKI
Examiner	Art Unit	
Brandon Hoffman	2136	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 01 October 2004.

2a) This action is FINAL.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-18 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-18 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.

4) Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Rejections***

1. The text of those sections of 35, U.S. Code not included in this action can be found in a prior Office Action.

### ***Claim Rejections - 35 USC § 102***

2. Claims 1-4, 6-8, 10-13, and 15-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Tsutsui et al. (U.S. Patent No. 6,314,391).

Regarding claims 1 and 10, Tsutsui et al. teaches an information management method/apparatus comprising:

- Generating protection information for protecting the storage area of a recording medium storing a second string of codes recorded by a second coding technique from any recording, editing and erasing operations of a first apparatus adapted to handle a first string of codes by a first coding technique and refer to the first management data stored in a first management area (fig. 18, address location 0 and 1 are the first string of codes by a first coding technique and refer to the first management data stored in a first management area. Once the first apparatus reads address location 0 and 1, it then reads location 5, then 116. From there it goes to location 200000, where the message "for reproducing signals of this disc, use B codec related reproducing device.");

- Arranging said protection information in the first management data area as one of said first management data (col. 17, line 61 through col. 18, line 2); and
- Protecting the storage area of the medium storing said second string of codes from any recording, editing and erasing operations of said first apparatus, **while allowing reproducing operations of said first apparatus (col. 17, line 55 through col. 18, line 24, more specifically, col. 18, lines 2-24, shows reproducing operations being performed by the first apparatus)**, on the basis of said protection information when the medium storing said second string of codes is operated by said first apparatus (col. 18, lines 2-12).

Regarding claims 2 and 11, Tsutsui et al. teaches said first apparatus is permitted to reproduce only the part of the first string of codes on the basis of said protection information when a single string of codes generated by means of both said first coding technique and said second coding technique is recorded on said recording medium (col. 18, lines 63-67).

Regarding claims 3 and 12, Tsutsui et al. teaches said protection information indicates that the area that can be used by said first apparatus for recording is made nil in said area on the medium or said area on the medium is made smaller than the allowable area of said first apparatus (col. 19, lines 12-31).

Regarding claims 4 and 13, Tsutsui et al. teaches said protection information indicates that the storage information of the address information indicating the position of the area on the medium that can be used for recording by said first apparatus is made equal to nil (fig. 18, address storage location information 1 refers to location 116, which in turn refers to location 200000, which is made 0 or nil, and col. 18, lines 13-24).

Regarding claims 6 and 15, Tsutsui et al. teaches:

- A second management data area that can be referred to only by the second apparatus adapted to handle the second string of codes or both the first string of codes and the second string of codes is provided on said medium (fig. 18, address location 2, and col. 18, lines 25-48) and
- The first management data area arranged in said second management data area except said protection information (col. 18, lines 44-48 suggests that the once recorded first management data are now arranged in the second management data area because the second management data area has claimed the first address storage location that once was referenced by the first management data area. Hence, the first management data are arranged in said second management data area except said protection information).

Regarding claims 7 and 16, Tsutsui et al. teaches said second apparatus is adapted to refer to both said first management data area and said second management data area (col. 16, line 64 through col. 17, line 3).

Regarding claims 8 and 17, Tsutsui et al. teaches said second apparatus is adapted to disregard said first management data area and refers to only the second management data area when said protection information is arranged in said first management data area (col. 18, lines 25-42).

***Claim Rejections - 35 USC § 103***

3. Claims 5 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsutsui et al (USPN '391) in view of Nakashima et al. (U.S. Patent No. 5,708,650).

Regarding claims 5 and 14, Tsutsui et al. teaches all the limitations of claims 1 and 10, respectively. However Tsutsui et al. does not teach said protection information indicates that the protection mode of the track on the medium is prohibited from rewriting.

Nakashima et al. teaches said protection information indicates that the protection mode of the track on the medium is prohibited from rewriting (fig. 20, 'write-protection flag' and col. 3, lines 10-19).

It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to have the protection information indicate that the protection mode of the track on the medium is prohibited from rewriting, as taught by Nakashima et al., combined with the method/apparatus of Tsutsui et al. It would have been obvious

for such modifications because the protection flag allows data to remain on the medium for a user-added benefit.

Claims 9 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsutsui et al (USPN '391) in view of Takezawa (U.S. Patent No. 5,392,265).

Regarding claims 9 and 18, Tsutsui et al. teaches all the limitations of claims 1 and 6, and also claims 11, and 15-17, respectively. However, Tsutsui et al. does not teach said second apparatus initializes said first management data area and allows the medium to be used by said first apparatus for recording, editing and erasing when said second string of codes no longer exists on said medium.

Takezawa teaches said second apparatus initializes said first management data area and allows the medium to be used by said first apparatus for recording, editing and erasing when said second string of codes no longer exists on said medium (col. 2, lines 31-43).

It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to allow recording, editing, and erasing of data after a second string of codes no longer exists on a medium, as taught by Takezawa, combined with the method/apparatus of Tsutsui et al. It would have been obvious for such modifications because this well-known task is common in record management of data

on an optical medium. When data is added, deleted, or edited, the TOC is automatically updated to reflect the changes made. This implies that when a second string of codes is deleted, i.e. no longer exists on a medium, the TOC is updated to reflect the change, therefore informing the apparatus adapted to the old standards that information exists in the old format exclusively. This would allow the first apparatus recording, editing, and erasing rights.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brandon Hoffman whose telephone number is 571-272-3863. The examiner can normally be reached on M-F 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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